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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 JUSTIN JAMES EDMISTEN,
13 Petitioner,
14 v.
15 DWIGHT NEVEN, ET AL.,
16 Respondents.

Case No. 2:15-cv-00952-RFB-NJK

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
FIRST AMENDED PETITION
(FIRST REQUEST)**

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18 Petitioner Justin James Edmisten moves this Court for an Order extending
19 the time by forty-five (45) days, from May 29, 2018 to and including, July 13, 2017,
20 in which to file his counseled amended petition. This motion is based on the attached
21 points and authorities and the record in this case.
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1 **POINTS AND AUTHORITIES**

2 1. Petitioner mailed his *pro se* petition for a writ of habeas corpus on May
3 15, 2015. ECF No. 4.

4 2. On March 21, 2017, this Court reconsidered its previous order denying
5 counsel and appointed the Federal Public Defender, District of Nevada. ECF No. 17.

6 3. On July 25, 2017, counsel filed a Motion to Partially Vacate the March
7 21, 2017, Order. ECF No. 26. Respondents opposed and Edmisten replied. ECF Nos.
8 28, 31. On March 29, 2018, this Court entered an Order granting Petitioner's Motion
9 to Vacate the March 21, 2017 order and ordered counsel to file an Amended Petition
10 within sixty (60) days. ECF No. 33. The Amended Petition is currently due May 29,
11 2018. This is a first request for an extension of time.

12 4. Counsel requires additional time to complete the amended petition in
13 this matter. In the last month, counsel drafted a protective petition in *Xia v. Baca*,
14 3:16-cv-00651-HDM-VPC. She is also working on an opening brief in the Ninth
15 Circuit in *Taylor v. Myles*, 3:13-cv-00035-MMD-VPC, which has a "no further
16 extensions" order. Counsel has traveled to Arizona and Northern Nevada to visit
17 clients, and she attended the United States District Court Conference. She is also
18 taking long-planned leave May 24-27, 2018. Finally, counsel has had a heavy
19 administrative workload, as she trains new attorneys and staff, and plans and
20 schedules CLEs pursuant to the district court's order on CJA.

21 5. Counsel emailed counsel for Respondents, Victor-Hugo Schulze III, who
22 advised he is not opposed to this request. Petitioner understands that opposing
23 counsel's non-opposition does not waive any claims, defenses, statute of limitations,
24 or other substantive arguments the Respondents may choose to raise at a later date.
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1 6. This motion is made in good faith and not for the purpose of delay.
2 Petitioner therefore respectfully requests that this Court grant his motion to file an
3 amended petition on or before July 13, 2018.

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5 Dated this 29th day of May, 2018.

6 Respectfully submitted,

7 RENE L. VALLADARES
8 Federal Public Defender

9 /s/ Megan C. Hoffman
10 MEGAN C. HOFFMAN
11 Assistant Federal Public Defender

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14 IT IS SO ORDERED:

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17 _____
18 RICHARD F. BOULWARE, United
19 States District Judge

20 Dated: June 4, 2018.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Dennis Wilson.

Justin Edmisten
Inmate ID 02682479
Clark County Detention Center
330 South Casino Center Boulevard
Las Vegas, NV 89101

/s/ Adam Dunn
An Employee of the
Federal Public Defender